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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,781	03/18/2004	Ernest Geskin	P/1824-17	8057
2352	7590	11/16/2005	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			HOGAN, JAMES SEAN	
			ART UNIT	PAPER NUMBER
			3752	
DATE MAILED: 11/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,781

Applicant(s)

GESKIN ET AL.

Examiner

James S. Hogan

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 2,5,7,8,12-14 and 18-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,3,4,6 and 15-17 is/are rejected.
- 7) ☐ Claim(s) 9-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/18/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings were received on September 13, 2005. These drawings are accepted.

Election/Restrictions

Applicant's election without traverse of Species 1, subspecies depicted in figures 4-6 in the reply filed on October 11, 2005 is acknowledged. Applicant indicates that the elected species read on claims 1,3,6,10,11,15,16 and 17, however it should be noted that claims 4 and 9 will be added due to dependency requirements of claims 6 and 10, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,258,885 to Legeza in view of U.S. Patent Application 2003/0192955 A1 to Geskin et al.

Regarding claim 1, Legeza ('885) teaches (see Figure 5) a nozzle having a housing (90) and assembled including two conjugated deformable (by way of being wedged within nozzle tip holder) parts (202 and 204), the parts forming a nozzle outlet

Art Unit: 3752

(220). Legeza ('885) does not teach the conjugated parts being separated by a spacer seal. Geskin et al. teaches a nozzle with a method of sealing between two nozzle conjugated parts where a spacer seal (insertion 3) separates conjugated parts of a nozzle, and wherein the spacer seal is deformable so as to define a geometry of the nozzle outlet (see Abstract, line 6-7) and seals surfaces between nozzle parts and subsequently between the parts and a housing. As for claim 3, Geskin et al. ('955), teaches the deformation of nozzle parts and the spacer seal as necessary in forming a nozzle orifice (page 2, paragraph 31). As per claim 4, the housing of Legeza ('885) is circular, the parts (202 and 204) are semi-circular, and the spacer seal of Geskin et al. ('955) is rectangular (Figure 4 as being representative of the rectangular spacer seal). As per claim 6, the nozzle tip holder (12) of Legeza ('885) provides a deformable (by way of being inserted into housing (90)) ring arranged between an inner shoulder of the housing and the assembly so as to seal the outlet of the nozzle. It would have been obvious to one having skill in the art at the time the invention was made to have substituted the nozzle assembly of Legaza ('885) with the nozzle assembly and sealing method of Geskin et al. ('955) in order to prolong the usefulness of a nozzle assembly comprising a conjugated nozzle orifice.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,258,885 to Legeza in view of U.S. Patent Application 2003/0192955 A1 to Geskin et al and further in view of U.S. Patent Application 2004/0155125 A1 to Kramer et al.

Art Unit: 3752

Regarding claims 15-17, while Kramer does not specifically teach nozzle outlets as having a zigzag shape (claim 15) or being discontinuous (claim 16) or formed by openings on alternate opposite sides of a center line (claim 17), Kramer et al. does teach (figures 5-18) a plurality of nozzle outlet shapes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the nozzle outlet shape of Legeza with any desired possible outlet shape as taught by Kramer et al. in order to affect a spray pattern in a nozzle so as to direct a flow of liquid in a specific pattern.

Allowable Subject Matter

Claims 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows:

U.S. Patent No. 4,988,042 to Del Prato et al, disclosing an atomizing nozzle

U.S. Patent No. 4,800,688 to Suzuki, disclosing a blasting nozzle

U.S. Patent No. 5,307,996 to Katasoka et al, disclosing a slurry nozzle

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Hogan whose telephone number is (571) 272-4902. The examiner can normally be reached on Mon-Fri, 7:00a-4:00p EST.

Art Unit: 3752

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSH
11/08/2005



David A. Scherbel
Supervisory Patent Examiner
Group 3700